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June 29, 2020

Via ECF

Honorable Robert M. Levy, U.S.M.J.
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: DeVito v. Neiman, et al. EDNY Case No. 19-CV-5099 (ARR)(RML)

Dear Judge Levy:

My office represents the plaintiff, Robert DeVito, in the above-referenced case. I am writing to request a 60-day extension of time to serve Barry Klein and Does 1-10. The current deadline to serve the Amended Complaint under Federal Rule of Civil Procedure 4(m) is July 3, 2020. The new deadline for service would be September 1, 2020. There is good cause for an extension because Plaintiff has not been able to locate Mr. Klein and Does 1-10.

Plaintiff has continued his efforts to track down Mr. Klein and the money taken from his account. Plaintiff has served subpoenas upon NYC Marshal Steven W. Biegel and upon Citibank. Through these subpoenas, Plaintiff has learned that Marshal Beigel paid the funds from Plaintiff's bank account to Expedite Collections Inc. using a Citibank check and that Expedite deposited that check in an account at Chase Bank.

Plaintiff has also served additional discovery demands on Defendants Herman Jacobowitz and Expedite Collections, Inc. ("Expedite"). Plaintiff has received written responses to his initial discovery requests from Mr. Jacobowitz and Expedite but, by agreement of counsel, will not receive responsive documents until July 6, 2020. Those documents and the written responses to Plaintiff's additional discovery demands should show what Mr. Jacobowitz and Expedite did with the funds and whether and how they were paid to Mr. Klein and/or Defendant RFC Distributors Inc. Upon receipt of these responses, Plaintiff will, hopefully, learn the whereabouts of Mr. Klein and the John Does and be able to make service.

Respectfully,

/s/ Brian L. Bromberg
Brian L. Bromberg

cc: All Counsel of Record (Via ECF)